

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Proposed
Case Calendar Update,
Dated 12 April 2012
Supplement

20 April 2012

1. The proposed separation of unclassified and classified evidentiary motions is based upon several assumptions. To the extent these assumptions prove to be incorrect or too ambitious, the schedule will be correspondingly longer. These assumptions are:

a. The same assumptions listed in the Prosecution Proposed Case Calendar (Appellate Exhibit I), Prosecution Proposed Case Calendar Update (Appellate Exhibit XX), and Prosecution Proposed Case Calendar Update, dated 12 April 2012.

b. The United States must be prepared to authenticate all evidence and qualify all experts without planning on the defense stipulating to authenticity and admissibility of evidence or qualifications of any expert witness.

c. The United States anticipates the Court closing pretrial sessions involving classified evidence, based on the likely testimony and argument, to include multiple motions to suppress, extensive litigation concerning MRE 505(h) and MRE 505(i), motions for preliminary rulings on admissibility of evidence, and motions for rulings on qualifying experts.

2. The United States anticipates seeking preliminary rulings of admissibility for the below categories of evidence to expedite the court-martial.

a. Physical Evidence.

(1) **Unclassified Physical Evidence.** The United States intends on introducing approximately two items of physical evidence, to include the hard drive for the supply room NIPR computer and hard drive for a NIPR computer in the SCIF. The United States anticipates approximately fifteen different witnesses to authenticate and admit unclassified physical evidence.

(2) **Classified Physical Evidence.** The United States intends on introducing approximately fifteen items of physical evidence containing classified information, to include multiple items of digital media belonging to the accused, and various classified government computer hard drives. The United States anticipates approximately twenty different witnesses to authenticate and admit classified physical evidence.

b. **Documentary Evidence.**

(1) **Unclassified Documentary Evidence.** The United States intends on introducing approximately sixty-five unclassified records or documents, to include various computer activity logs and digital files. Additionally, the United States intends to introduce approximately thirteen summaries based on these records, which will require. The United States anticipates approximately twenty witnesses to authenticate and admit this evidence.

(2) **Classified Documentary Evidence.** The United States intends on introducing over three hundred classified records or documents, to include charged documents, WikiLeaks published documents, various computer activity logs, and chat logs. Additionally, the United States intends to introduce approximately fifteen summaries based on these records. The United States anticipates nearly fifteen witnesses in order to authenticate and admit this evidence, and the majority of this process will be in closed session.

3. The United States anticipates establishing, pretrial, the qualifications of experts in the below categories of testimony, including *Daubert* hearings.

a. **Expert Witnesses with Unclassified Testimony.** The United States will likely seek to qualify approximately fifteen experts focused on unclassified evidence to expedite the trial.

b. **Expert Witnesses with Classified Testimony.** The United States will likely seek to qualify approximately twenty experts focused on classified evidence to expedite the trial and the majority of this qualification will be in closed session, based on the experts' current and past duties, education, and experiences.



ASHDEN FEIN
MAJ, JA
Trial Counsel